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REQUEST FOR PROPOSAL STRUCTURE

JANUARY 1985

ARMY PROCUREMENT RESEARCH OFFICE
OFFICE OF DEPUTY CHIEF OF STAFF FOR LOGISTICS
FORT LEE, VIRGINIA 23801-6045



APRO 84-06
FINAL

REQUEST FOR PROPOSAL STRUCTURE

by

Wayne V. Zabel

Charles M. Lowe, Jr.

The pronouns "he," "his," and "him," when used in this publication, represent both the masculine and feminine genders unless otherwise specifically stated.

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US ARMY PROCUREMENT RESEARCH OFFICE
Office of the Deputy Chief of Staff for Logistics
Fort Lee, Virginia 23801

EXECUTIVE SUMMARY

A. BACKGROUND. Regulation changes, recurring criticisms of the proposal process, and the passage of time since present policies and practices were established indicate a need for reevaluation/revision of Request for Proposal (RFP) structure and content.

B. STUDY SCOPE. This study is limited to policy concerning RFP format and content and an exploration of the feasibility of developing innovative methods of soliciting proposals from prospective contractors.

C. STUDY OBJECTIVES. (1) Determine the required changes to update United States Army Materiel Command (AMC) guidance on RFP format to conform to the Uniform Contract Format (UCF) of the Federal Acquisition Regulation (FAR). (2) Determine UCF compatibility with varying needs of RFPs for differing requirements, and the need for improved guidance. (3) Explore the feasibility of developing innovative methods of soliciting proposals from prospective contractors.

D. STUDY APPROACH. Tasks accomplished in support of the study objectives were: analysis of current guidance, review of recent solicitations, literature search, review of legal decisions, and personal interviews.

E. CONCLUSIONS/RECOMMENDATIONS. It was concluded that the Major Subordinate Commands (MSC)'s were preparing adequate RFPs prior to the FAR and that AMC revisions to outdated guidance are already underway. Local guidance is sufficient; however the format of the guidance differs among the MSC's and needs to be standardized. Problems of complex RFPs and the length of time to award are a functions of the RFP process itself and not easily corrected by action only within a procurement directorate. It is recommended that: (1) the AMCPP point of contact on the AMC Acquisition Instruction rewrite insure that RFP guidance is updated to reflect the latest UCF; (2) local guidance format be standardized; (3) additional research be conducted to identify process elements that contribute to complexity and time and assess the worth of each element identified.

2. Determine UCF compatibility with varying needs of RFP's for differing requirements, and need for improved guidance.

3. Explore the feasibility of developing innovative methods of soliciting proposals from prospective contractors.

D. STUDY APPROACH.

Specific tasks accomplished in support of the study objectives were:

1. Analysis of MSC conformance to AMC policy guidance through a review of recent solicitations. This included reviews of sample RFP's from each of the MSC's as well as any local guidance on RFP structuring, review and processing.

2. Interviews with contracting officers, Solicitation Review Board members, and other key procurement and legal personnel for their opinions concerning the compatibility of the UCF with the purposes and needs of RFP's for differing requirements and suggestions for improving the guidance.

3. Review of legal decisions, especially those of the Comptroller General, to determine the extent to which they impact current guidance.

4. Review and evaluation of statements of the General Accounting Office, audit agencies, management review activities, the media and acquisition officials in Government and industry.

5. Examination of RFP policies of the Air Force and Navy.

6. Evaluation of current practices, legal decisions, and functional specialist suggestions.

CHAPTER I

INTRODUCTION

A. BACKGROUND/PROBLEM.

The current United States Army Materiel Command (AMC) policy on Request for Proposal's (RFP's) was published in 1976 as Section 3-501 of the US Army Development and Readiness Command Procurement Instruction (DARCOM PI).¹ The guidance in the DARCOM PI was originally developed by the Army Procurement Research Office (APRO) at the direction of the Director of Procurement and Production, HQ DARCOM. The Director had observed that there was a lack of uniformity, consistency and clarity in the RFP's prepared by DARCOM Major Subordinate Commands (MSC's). Since 1975 the guidance has been used extensively and the Uniform Contract Format (UCF), which served as the basis for the RFP structure, has been revised. Regulation changes, recurring criticisms of the proposal process, and the passage of time since present policies and practices were established indicated a need for reevaluation/revision of RFP structure and content.

B. STUDY SCOPE.

This study is limited to policy concerning RFP format and content and an exploration of the feasibility of developing innovative methods of soliciting proposals from prospective contractors.

C. STUDY OBJECTIVE.

The objectives of this study were to:

1. Determine the required changes to AMC guidance on RFP format to conform to the UCF policy of the Federal Acquisition Regulation (FAR), and revise the format and narrative policy content of the RFP guidance as required.

¹DARCOM renamed Army Materiel Command (AMC) effective 1 Aug 84

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CHAPTER I

INTRODUCTION

A. BACKGROUND/PROBLEM.

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2. Determine UCF compatibility with varying needs of RFP's for differing requirements, and need for improved guidance.

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D. STUDY APPROACH.

Specific tasks accomplished in support of the study objectives were:

1. Analysis of MSC conformance to AMC policy guidance through a review of recent solicitations. This included reviews of sample RFP's from each of the MSC's as well as any local guidance on RFP structuring, review and processing.

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4. Review and evaluation of statements of the General Accounting Office, audit agencies, management review activities, the media and acquisition officials in Government and industry.

5. Examination of RFP policies of the Air Force and Navy.

6. Evaluation of current practices, legal decisions, and functional specialist suggestions.

CHAPTER II

A. GENERAL.

This research effort examines current RFP formulation guidance and addresses recurrent criticism that RFPs are too complex and excessive time is required to award a contract after requirements are known. In developing the original study plan, the detailed objectives described in Chapter I above were established (1) to ascertain if the existing RFP guidance was outdated and in need of revision, and (2) to determine if a solution was available to reduce the complexity of RFPs. The traditional approach of literature search, data gathering and analysis (existing guidance and sampling of RFPs) followed by personal interviews of key procurement and legal personnel was employed to meet the stated study objectives.

B. CONDUCT OF THE STUDY.

1. An intensive literature search was conducted in an attempt to better articulate the problem as well as discover any information which could contribute to satisfying the objectives of the study.

a. Sources queried were:

- i. Defense Technical Information Center (DTIC)
- ii. Defense Logistics Studies Information Exchange (DLSIE)
- iii. Federal Legal Information through Electronics (FLITE) and
- iv. General Accounting Office, Information Handling Support Facility (GAO/IHSF), Bibliographic Reference.

b. Search results were:

- i. A total of 34 articles were identified by DTIC using the following key words or acronyms: Request for Proposal, Request for Quotation, RFQ,

UCF, and Uniform Contract Format. Discounting duplicate referrals for multiple keywords only five articles remained. Of those, only a single article was germane to the subject matter of this study.

ii. DLSIE provided a custom bibliography containing 54 articles which dated from June 1966. Of the more recently published articles (from April 1972) 11 articles were found to contain information of use in understanding problems in the RFP process. Only four of these articles were published since 1980.

iii. FLITE provided 156 unpublished decisions of the Comptroller General using the following keywords: proposal, proposals, request, requests, RFP, RFPS, defect, defects, defective, incomplete, completeness, deficiencies, omitted, missing from, audit trail, format, and formats.

iv. GAO/IHSF provided five unpublished special reports for senators and representatives and four published reports. All of these nine reports were related to the RFP process in that they discussed procedures used in the awarding of a contract or plans in progress for the award of a contract.

2. In addition to the literature search, a review was made of the guidance for RFPs found in the Defense Acquisition Regulations (DAR), Federal Acquisition Regulations (FAR), Department of Defense FAR Supplement (DFARS), Army DAR Supplement (ADARS), Army FAR Supplement (AFARS), and DARCOM PI. Air Force and Navy RFP guidance was obtained, and a data call to points of contact at each AMC Major Subordinate Command (MSC) provided local implementation guidance for each of AMCs buying activities.

3. The data call to the MSCs also requested sample RFPs for evaluation.

A total of 68 RFPs were reviewed for format and content. The RFPs represented a cross-section of buying activity at each of the buying centers.

4. Subsequent to the evaluation of the results of the literature search, the RFP guidance, and the sample RFPs, personal interviews were conducted with key procurement, legal, and functional specialists to obtain their perspective on problems in the RFP process.

C. PRELIMINARY FINDINGS.

Early in the conduct of this study it became apparent that based upon the preliminary findings, not all of the study objectives were germane. As an example, the guidance on RFP preparation available in the DAR implementing instructions was found to be adequate up to the time of implementation of the FAR. AMC is in process of converting the DARCOM PI to the FAR format and can make the few necessary changes to the UCF at the same time. Local buying activities have disseminated guidance to their buying community to enable compliance with the FAR; however, widespread revision of local acquisition instructions has been deferred pending receipt of an updated AMC AI. A review of GAO decisions indicates that the problems in RFPs are generally a result of shortcomings in the evaluation criteria, technical requirements or in some procedural area which has created confusion or lack of understanding between the government personnel and the offerors. Given the legal requirements surrounding government contracting and the complexity of the total acquisition process, it is understandable that RFPs are complex. The consensus of the interviewees is that the RFP itself is not the problem; rather the process that results in the RFP and the associated procedural requirements are the

areas needing evaluation. Accordingly, the study project altered direction and began to address the RFP process in general in lieu of concentration on the UCF.

CHAPTER III

PERSPECTIVES OF THE RFP PROCESS

A. INTRODUCTION.

To assist in the interviews with functional personnel to gain their perspectives on the RFP and RFP process, a set of research questions was prepared. The questions were:

1. Does the field have enough guidance and direction to implement the UCF? This was to include all guidance down to local instructions and a discussion of how the guidance is disseminated and actually used.
2. Is the UCF the best technique for all types of requirements?
3. What causes RFP's to become more complex and lengthy?
4. What consumes time in the RFP process?
5. What suggestions/innovations are there to improve the process?

B. INTERVIEWEES.

These questions were discussed with Principal Assistants Responsible for Contracting (PARCs), Chiefs of policy and compliance offices, procurement analysts, contract specialists, contracting officers, branch chiefs and section chiefs, technical personnel, representatives of project management offices, and legal experts. Additionally, representatives from the Air Force and Navy provided insights on their individual service's methodology for processing RFPs.

C. INTERVIEW RESULTS.

The following discussion of results of the interviews and research are presented in the same order as the research questions.

1. Guidance on UCF. Discussions with field personnel substantiated that the guidance in the field is sufficient with respect to content. A recurring

criticism, however, was conveyed that the people actually preparing RFPs are inundated with guidance. The fact is that the guidance is sufficient, but the mechanics of dissemination vary from buying office to buying office. Examples of the variations found ranged from a two inch thick volume of "Acquisition Instructions" which was well organized and easily changed to its antithesis in a mixture of random instructions, letters, SOPs, etc. While the latter method conveys the guidance, it is more difficult to file and recall for future reference. A more detailed but simpler approach, such as used at US Army Communications-Electronics Command (CECOM), is to provide the contract specialist with a set of Command solicitation/contract preparation instructions. The instructions are provided in a looseleaf format to facilitate changes and are designed for use by personnel with varied levels of experience. Preparing and maintaining such manuals requires a dedicated writing effort by those who are responsible for policies and procedures. However, the manuals should pay dividends in standardizing command approaches to solicitation/contract development and in minimizing the need for interpretation due to lack of guidance.

2. UCF Applicability. Interviewees agreed that the UCF accommodates all types of contract requirements. The actual format of the RFP is not a detriment to the contracting process; rather it facilitates increased automation and productivity. The physical organization of an RFP into uniform sections contributes neither to complexity, nor the length of time to award a contract. Nor does it make a service or R&D type solicitation more difficult to prepare than one for supplies. Legal requirements, supporting documentation and the

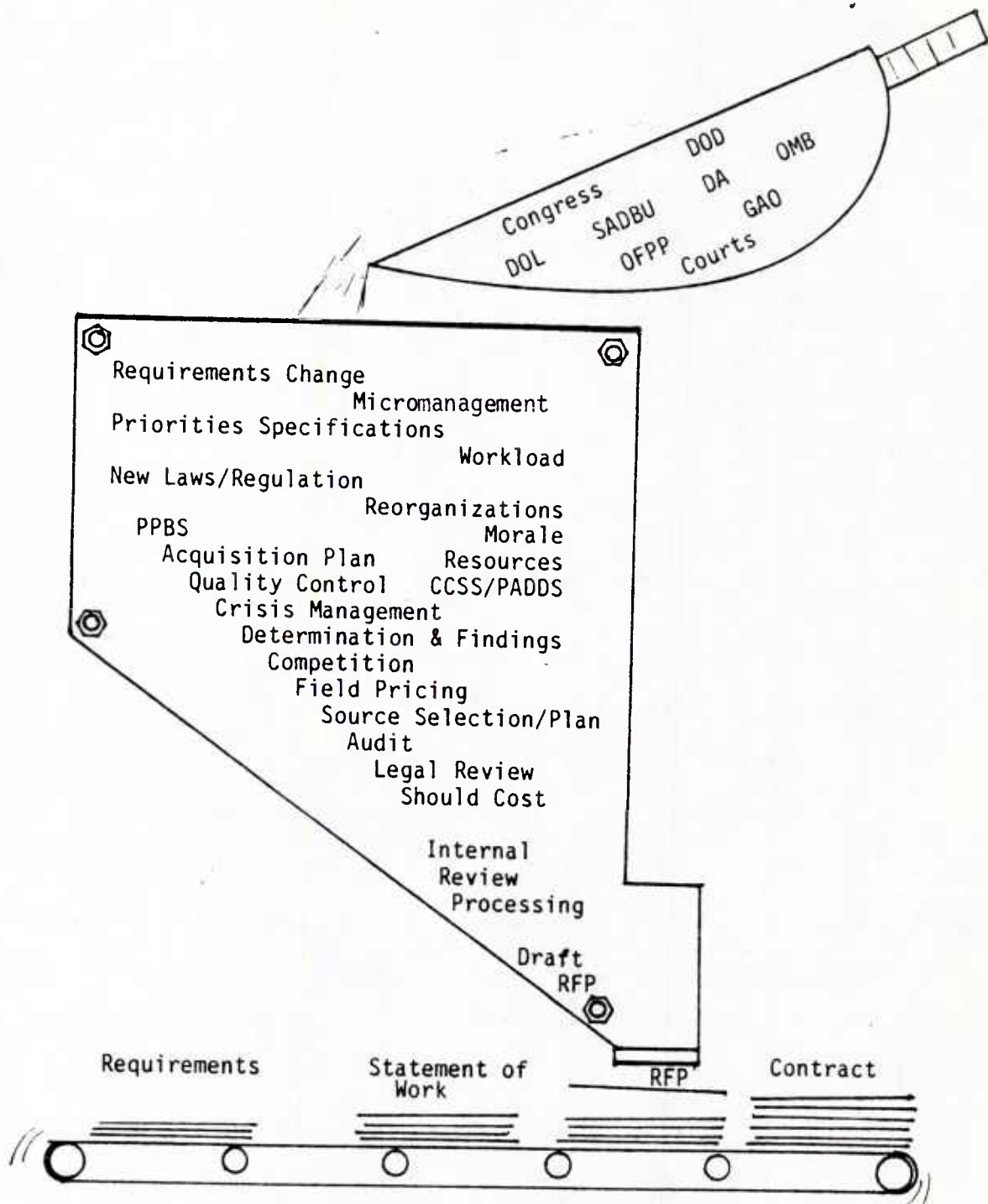
many other elements within the procurement process itself contribute to complexity and time, while the RFP, being the physical manifestation of the process, becomes the frequent recipient of unwarranted criticism.

3. Factors in RFP Complexity.

a. It is an accepted fact that many RFPs are complex. Yet the RFP document itself represents a small percentage of a process which is extremely complicated, and governed by many statutory, regulatory and policy considerations. Figure 1 depicts this process as a hopper. The RFP document is a visible product, but the myriad process ingredients which contribute to complexity and time are hidden from view.

b. The ultimate objective of an RFP is to communicate a need to industry and to solicit a bid or offer to satisfy that need via a resultant contractual instrument. Unlike the private consumer who can buy the product or service of choice from the supplier of preference, the government agent must competitively acquire the minimum needs of the government using an increasingly cumbersome system which is micromanaged to insure fairness and correctness. This may sound like a harsh indictment, yet many of the process functions can only be construed to be detailed management. For example, detailed procedures for competition and formal source selection, internal review procedures and management controls, and generation of a contract file containing many certifications (e.g., EEO, size, debarred status, etc. which are repetitive affirmations of the known) are several examples of a complex system which has evolved over time. In addition to these constraints, one must deal with requirements determination and change, and funding considerations, while striving to operate within regulatory requirements of a procedural or organizational nature.

FIGURE 1
RFP PROCESS INGREDIENTS



c. Each attempt within the bureaucracy to establish a control to correct a problem has contributed to the process time and complexity. Taken individually, each element in Figure 1 may have merit, but the sum of the elements represents a cost in terms of time and complexity. Relaxation or elimination of any of the elements carries the potential risk of increased cost to the government, improper award, or awards which do not satisfy the technical requirement. However, the perception of contracting personnel is that increased requirements for reviews and added levels of approval generally do not contribute to, improve or change the procurement in any significant respect but only encumber the process. The consensus of those in the field was that a close look and assessment of worth should be made for each of the elements within the RFP process. Control is needed, but the micromanagement associated with contracting has diluted the contracting officer's authority and the government's supposed trust in his capacity to perform the procurement functions in an effective manner commensurate with his rank, knowledge and experience.

4. Time element in RFP process. The amount of time required to satisfy the process of converting a need into an RFP and subsequent contract is defended by field personnel on several bases. First, they argue that the micromanagement process controls have added time to the process. The requirements for Determinations and Findings, repetitive certifications in the files, letter perfect drafts, and many levels of internal review are seen as delay factors in the processing of an RFP. There may be some validity to this argument; however, an analysis must be conducted to itemize such requirements and assess their value rather than make a blanket statement that micromanagement causes delay. The second, and more easily understood, cause of delay is the nature of

"heel to toe" activity in the RFP process. Funding, requirement determination, and machine processing are required before an RFP can be drafted. Reviews that may be required as high as the secretariat must be made before the RFP can be released to industry. Time is required for an offeror's response, field pricing support, and DCAA audit before negotiations can be conducted. In many cases a formal proposal evaluation and source selection or a should cost study is conducted. Each of these activities is sequential and normally cannot be conducted concurrently.

5. RFP Process Innovations.

a. Since many of the complexities and time factors in the RFP process stem from sources beyond the scope of AMC or even DA to unilaterally change, innovations or merely improvements in the process must be directed to higher authorities for resolution. There are several ongoing efforts in this area to report.

b. The Office of Federal Procurement Policy (OFPP), under the auspices of PL 98-191, has been given the authority to develop and test innovative procurement methods. In April 1984, the OFPP requested all Federal agencies to suggest innovations or necessary changes to the current procurement process. OFPP received responses from 15 agencies which submitted 41 recommended changes to statutory provisions in the areas of small purchases, labor, small business, construction, GSA procurements and miscellaneous topics that they believed hindered the efficient conduct of procurement. Many of the suggestions dealt with statutory procedural requirements which have failed to keep pace with technologically enhanced procurement systems or which conflicted with recent legislation.

c. Another initiative taken by DOD (Office of the Undersecretary of Defense for Research and Engineering) to reduce the complexity of contracts is involving the contractor in "scrubbing down" program requirements. Via award fees, DOD is testing a methodology to encourage contractors to recommend means to tailor the specifications and standards used in program requirements. Tailoring has been accepted as a tool to decrease contract complexity by removing the nonessential requirements. However, tailoring is a time consuming task, a trade-off in limited government resources which consequently was most often ignored. DOD is hopeful this test will prove the benefits of tailoring and provide the means for its accomplishment.

d. A third major innovation was recently completed within AMC with the acceptance of the recommendations made by the AMC Acquisition and Procurement Task Force. The Task Force objective was to maximize the efficiency and effectiveness of the procurement process by identifying the current strengths and weaknesses of the various MSC processes and standardizing the MSC procurement functions, processes and organizations. While all the Task Force recommendations will have some effect on the process, some specific ones for the RFP process are:

i. Standardize the levels of review and approval for solicitations, awards and boards.

ii. HQ, AMC P&P shall arrange with the Department of Labor to publish a list of approved equal employment opportunity contractors. Individual approvals would be required only if a proposed contractor does not appear on the approved list.

iii. Each MSC should obtain class Federal Prison Industries (FPI) waivers.

iv. AMC Command Legal Counsel should interpret new laws and regulations, specifying MSC application.

v. HQ, AMC P&P shall disseminate all interpretations and waivers to all MSCs.

6. Summary. RFP's have been subject to criticism of their complexity as well as the length of time involved in contract award; however, it can be argued that such problems have resulted from a complicated, and sometimes cumbersome system. Many of the activities, documents, reviews and other process functions have evolved over time in attempts to assure that the RFP is legally sufficient, solicits a valid need, furthers government social and economic programs, and is prepared in a cost effective, systematic manner. However, the synergistic effect of these requirements is complexity and dilution of authority of the contracting officer. Initiatives have been taken at the OFPP, DOD, and AMC levels in an attempt to maximize the efficiency and effectiveness of the procurement process by (1) identifying innovative procurement methods; (2) "scrubbing down" program requirements, and (3) standardizing procurement functions, processes and organizations. In addition to these three initiatives, an evaluation of the impact of micromanagement process controls would provide a value/cost assessment and basis for decisions on continuing or altering those controls.

CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

A. INTRODUCTION.

This study was undertaken to test the hypothesis that passage of time since RFP guidance was developed, regulation changes, and recurring criticisms of the proposal process indicate a need for reevaluation/revision of guidance on RFP structure and content. The research indicates that some change to RFP guidance is in order; however, problems related to complexity and processing time for RFP's have surfaced and been found to be beyond the control of the contracting officer and outside the purview of RFP preparation guidance. Accordingly, the conclusions and recommendations which follow extend beyond guidance for RFP preparation and include the entire RFP process.

B. CONCLUSIONS.

1. A review of a sample of 68 pre-FAR RFPs indicates that MSCs were performing an adequate job of drafting RFPs in accordance with DOD, Army, DARCOM and local guidance in existence at that time. A reformatted version of the DARCOM PI will be released as a draft AMC AI for a 30-45 day review period. A complete rewrite of the AI will consider review comments for improving the acquisition process and the AI. Minor changes required by the conversion to the FAR will be incorporated in the rewritten AI.

2. Individual MSCs are providing sufficient guidance to their workforce; however, there is no uniformity among MSCs in the method of dispersing the guidance. The extremes vary from a variety of memos, DFs, instructions, SOPs, etc. to a complete loose-leaf set of detailed acquisition instructions and solicitation preparation manuals. Interviews confirmed that both extremes

conveyed the guidance and policy; however, the former was much more difficult to keep track of and work with.

3. RFP complexity and the time required to proceed from a determination of a need to execution of a contract (the RFP process) is a function of the complexities of the acquisition process rather than the design of a contracting officer or contract specialist. Levels of review and the many other procedural and legal requirements are beyond the control of the contracting officer. The synergistic effect of this mass of requirements is a lengthy process that results in a complex RFP.

C. RECOMMENDATIONS.

1. The AMCPP point of contact on the AMC AI rewrite should insure that RFP guidance is updated to reflect the latest UCF in the FAR. APRO is ready to assist in this effort if requested.

2. AMCPP should consider standardization of local RFP guidance in the format of a looseleaf set of acquisition instructions such as that of US Army Communications-Electronics Command (CECOM). This is not to imply that the CECOM 715 AI be imposed on other commands, but that the type of logic followed by CECOM in preparation of guidance be considered as a standard for all commands.

3. Given the perception in the field that micromanagement process controls have gotten out of hand, it is recommended that additional research be conducted to identify those process elements that contribute to time and complexity and assess the worth for each element identified. A model of the RFP process would provide a baseline for identifying those elements that encumber the process without providing significant contribution.